IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 26144 of 2006(K)

PETITIONER:

K.N.NARAYANAN NAIR, S/O.LATE SRI.K.G.NARAYANAN NAIR, AGED 53 YEARS, ASSISTANT ENGINEER, P.W.D.ROADS SECTION NO.1, PAINAVU, IDUKKI, RESIDING AT KIZHAKKUMADOM HOUSE, VENGOLA P.O., PERUMBAVOOR, ERNAKULAM DISTRICT.

BY ADV. SRI.C.K.PAVITHRAN
SMT.N.S.SUMI

RESPONDENTS:
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1. GOVERNMENT OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.

2. CHIEF ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM.

3. CHIEF ENGINEER, P.W.D. (ADMINISTRATION), THIRUVANANTHAPURAM.

4. ASSISTANT EXECUTIVE ENGINEER, P.W.D.ROADS SUB DIVISION, PAINAVU, IDUKKI.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 26144/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER NO. E3/186/D5/CE/LSGD DT. 11/07/06.

EXT.P2. COPY OF THE REPRESENTATION TO THE R1 DT. 7/7/06.

EXT.P3. COPY OF THE JUDGMENT DT. 31/0-7/06 IN WPC NO. 20013/2006.

EXT.P4. COPY OF THE GO RT NO. 709/06/PWD DT. 22/09/06.

EXT.P5. COPY OF THE GO RT NO. 689/06/PWD DT. 13/09/2006.

EXT.P6. COPY OF THE GO NO. GO RT 2914/2006 LSGD DT. 17/11/2006.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No.26144 of 2006 K

Dated this the 3rd day of July, 2007.

JUDGMENT

The petitioner, who is an Assistant Engineer, working under the Public Works Department, has been deployed to the Department of Local Self Government by Ext.P1 order. His representation against the same was rejected by the Government by Ext.P4 order. The petitioner submits that he is due to retire on 31.1.2008. It is submitted that in the case of a similarly placed person, the transfer order has been cancelled on the ground that the said person has got only less than one year service.

2. The respondents have filed a counter affidavit supporting the impugned order.

3. Heard.

4. Pursuant to the interim order, the deployment of the petitioner has not been implemented. Therefore, he need not be deployed to the Local Self Government Department now, unless there are compelling

administrative grounds. In other words, in exigencies of service, the petitioner could be transferred or deployed in public interest.

Writ petition is disposed of as above.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

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